

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

BRIAN GALE,

Plaintiff,

v.

T. J. WATSON,

Defendant.

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No. 2:21-cv-00275-JPH-MJD

ORDER TO SHOW CAUSE

This action is proceeding with one claim for injunctive relief based on Brian Gale's allegations that his requests to meet with a visitor at the U.S. Penitentiary at Terre Haute (USPTH) have been denied due to racial or religious discrimination. *See* dkt. 69 (screening order). Mr. Gale has notified the Court that he has been transferred to a different prison. Dkt. 78.

"[W]hen a prisoner who seeks injunctive relief for a condition specific to a particular prison is transferred out of that prison, the need for relief . . . become[s] moot." *Lehn v. Holmes*, 364 F.3d 862, 871 (7th Cir. 2004). The allegations in the amended complaint indicate that Mr. Gale's visitation requests have been denied because of discriminatory animus by USPTH staff members and not because of a policy that would apply in his new prison. *See* dkt. 63 at ¶¶ 3 (describing decisions as contrary to Bureau of Prisons policy), 5 (describing racial animus by staff).

Mr. Gale will have **through April 3, 2023**, to **show cause** why this action should not be dismissed as moot. The defendant will have **fourteen days** from Mr. Gale's filing to file any response.

SO ORDERED.

Date: 3/8/2023



James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

BRIAN GALE

91098-083

BUTNER - MEDIUM I FCI

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